

Application No. 09/997,974
Amendment dated January 15, 2004
Reply to Office Action of July 15, 2003

REMARKS

Upon entry of this amendment, claims 1-10 are pending. The application relates to SODm therapy for treatment of inflammatory disease, which is beneficial for the treatment of certain inflammatory diseases. Claims 1-7 are to methods of such treatment, and claims 8-10 are to compounds for treating inflammatory disease.

Continuation-in-Part Rejection

Applicants have reinstated and replaced sections of the specification according to 37 CFR 1.121. The reinstated matter supports claims for antiinflammatory treatments and compositions now claimed. In addition, claims 1, 4 and 8 now end with a period. Claim 10 has been amended to further delineate a treatment for arthritis as a treatment for the particular type of arthritis, namely rheumatoid arthritis. The scope of claims 9 and 10, as amended, are not duplicates.

Rejections under 35 U.S.C. § 102(b)

Claims 1,2, 4-6 and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Salvemini et al., "A Nonpeptidyl Mimic of Superoxide Dismutase with Therapeutic Activity in Rats" Science, 286:304-306 (1999). The specification, as amended, provides support for the invention as claimed. Because we properly claim benefit to U.S. Application No. 09/634,152, which was filed prior to the date of the above Salvemini reference, the reference is not prior art which can be cited against this application.

Rejections under 35 U.S.C. § 103(a)

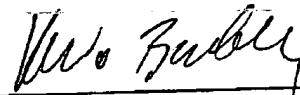
Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being obvious over Salvemini et al., "A Nonpeptidyl Mimic of Superoxide Dismutase with Therapeutic Activity in Rats" Science, 286:304-306 (1999). The specification, as amended, provides support for the invention as claimed. Because we properly claim benefit to U.S. Application No. 09/634,152, the above Salvemini reference is not prior art which can be used against this application.

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CONCLUSION

Prompt and favorable consideration of this application is respectfully requested. Applicants enclose herewith a Letter confirming large entity and a Petition for a Three-Month Extension of Time Pursuant to 37 C.F.R. § 1.136 and PTO-2038 to cover the \$930.00 extension fee. Any deficiency or overpayment may be charged to Deposit Account No. 19-3140.

Respectfully submitted,



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SENT VIA FACSIMILE 1/15/04